

Program Memorandum Intermediaries

Department of Health &
Human Services (DHHS)
Centers for Medicare &
Medicaid Services (CMS)

Transmittal A-03-047

Date: JUNE 6, 2003

CHANGE REQUEST 2752

SUBJECT: Medicare's Coordination of Benefits Contractor (COBC) Shall Discontinue the Dissemination of the Right of Recovery Letter to Intermediaries

I. GENERAL INFORMATION

A. Background

Currently, when COBC is notified of a non-group health plan Medicare Secondary Payor situation, it mails the right of recovery letter to the attorney(s) representing the beneficiary or the beneficiary where no attorney is identified. A carbon copy is forwarded to the lead Medicare contractor assigned to the case. The right of recovery letter informs the recipient of his/her rights when filing a claim and/or a civil action against a third party and confirms the information related to the case that may identify Medicare as the Secondary Payer. As needed, the lead contractor assigned to the case may request an exact copy of the right of recovery letter through an Electronic Correspondence Referral System (ECRS) Assistance Request by selecting action code "RR."

B. Policy

The CMS determined that the cost and resources associated with disseminating the right of recovery letters to intermediaries are not cost effective for the few instances where they are needed. The Medicare Intermediary Manual (MIM) §3418 is obsolete with regard to retaining a copy of the right of recovery letter on file. The COBC will retain the original right of recovery letter and an exact copy may be obtained through an ECRS Assistance Request, if necessary. Contractors are **not** to routinely request copies.

II. BUSINESS REQUIREMENTS

Requirement #	Requirements	Responsibility
2752.1	COBC shall discontinue the dissemination of the beneficiary and attorney right of recovery letter to the lead contractor.	COBC
2752.2	COBC shall continue to mail the right of recovery letter to the attorney(s) representing the case and/or the beneficiary.	COBC
2752.3	COBC shall respond to the ECRS Assistance Request for a copy of the right of recovery letter within 7 business days via US postal mail.	COBC

III. SUPPORTING INFORMATION AND POSSIBLE DESIGN CONSIDERATIONS

A. Other Instructions:

X-Ref Requirement #	Instructions
2752.1	The instruction in MIM §3418 to retain a copy of the right of recovery letter is obsolete with the issuance of this Program Memorandum.

B. Design Considerations: N/A

C. Interfaces: N/A

D. Contractor Financial Reporting /Workload Impact: N/A

E. Dependencies: N/A

F. Testing Considerations: N/A

IV. ATTACHMENT(S): None

Version: First	Effective Date: June 20, 2003
Implementation Date: June 20, 2003	Funding: These instructions shall be implemented within your current operating budget.
Discard Date: June 20, 2004	Pre-Implementation Contact: Olivia White @ owhite2@cms.hhs.gov or 410-786-6565
Post-Implementation Contact: Your regional office MSP coordinator.	